

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

CR No.2872 of 2018  
Date of decision: 07.05.2018

Rakesh Kumar

... Petitioner

Versus

Chanchal Rani and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI**

Present: Mr. Bikram Singh, Advocate for the petitioner.

**ARUN PALLI, J. (Oral)**

The petitioner-Judgment Debtor is aggrieved by an order dated 12.12.2017, vide which his application under Order 9 Rule 13 of the Code of Civil Procedure, to set aside the award dated 12.08.2014, passed by the Motor Accident Claims Tribunal, has since been declined.

Concededly, post passing of the award dated 12.08.2014, the petitioner filed objections thereto on 17.10.2015 in the Executing Court. All such pleas, that were sought to be raised in the application under Order 9 Rule 13, were raised even in the objections filed by the petitioner. Be that as it may. The fact remains that the petitioner had acquired concrete knowledge of the award dated 12.08.2014 on 17.10.2015, and the application under Order 9 Rule 13 was moved after more than a year on 07.11.2016. Thus, the said application suffered from gross, inordinate and unexplained delay. Once, despite knowledge of the award, the petitioner did not choose to move any such application for setting aside the ex parte award, and rather contested the execution proceedings, filing of the application, a year later,

under Order 9 Rule 13 was apparently an afterthought, and the same is speculative in nature. Learned counsel for the petitioner could not point out as to how the impugned order is either contrary to the record or suffers from any material illegality. That being so, the petition lacks both i.e. merits as also the bonafides.

No ground is made out to interfere in exercise of revisional jurisdiction under Article 227 of the Constitution of India. The petition is accordingly dismissed.

07.05.2018  
Rajan

**( Arun Palli )**  
**Judge**

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| Whether speaking / reasoned: | YES |
| Whether Reportable:          | NO  |